

**RESOLUTION AGREEMENT**  
**School District of Clay County**  
**OCR Complaint #04-19-1327**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Clay County School System (District), enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issue of this investigation, the District agrees to take the following actions:

***STUDENT REMEDIES***

**1. By October 30, 2019**, the District, after providing proper written notice to the Student's parent/guardian, will convene a group of knowledgeable persons, including the parent/guardian, to determine the total number of hours of speech services the Student did not receive during the 2018-2019 school year. The Team will also determine what compensatory education or other remedial services the Student requires for the time period the Student did not receive as a result of the missed hours of speech services. If so, within one week of its determination, the group will develop a plan for providing compensatory education (speech services) or other remedial services deemed necessary, including who will provide the services, when the services will be provided, and the start and projected end dates of the services which will be provided at no cost to the Complainant and will become a part of the Student's Individual Education Program (IEP). The District will provide the Student's parent/guardian notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**REPORTING REQUIREMENT:**

**By November 15, 2019**, the District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Item 1 above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35

and 104.36, in making these determinations.

### ***RECORD KEEPING***

**2. By October 30, 2019**, District shall assess its record-keeping with regard to special education records and make any modifications necessary to ensure that the IEP team and including the parents, are aware of any missed related aids or services not provided to a student, and that this is considered by the IEP team in making any decisions with regard to such services, including whether compensatory services are warranted.

### **REPORTING REQUIREMENT:**

**By November 15, 2019**, the District will provide OCR: (a) the results of the District's assessment pursuant to Action Item 2, including a summary of the information reviewed during the assessment; (b) a summary of any modifications implemented based upon the assessment and a copy of all forms or other documents to be used by Special Education staff pursuant to the modifications; and (c) documentation demonstrating the implementation of the modifications.

### ***TRAINING***

**3. By December 13, 2019**, the District will provide training on any procedures modified pursuant to Action Items 2 to the following relevant Special Education staff responsible for overseeing IEP team meetings and determinations.

### **REPORTING REQUIREMENT:**

**By December 19, 2019**, if applicable, the District will provide OCR documentation demonstrating that it has conducted training pursuant to Action Item 2. The documentation shall include: (a) the date of the training sessions; (b) name and title of the individuals who attended the training sessions (including dated sign-in sheets with the attendees' names, titles and work locations); and, (c) a copy of the agenda and the training materials disseminated

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the Agreement.

Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case. The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and

